



Nita M. Lowey
Congress of the United States
17th District, New York

lowey.house.gov

WASHINGTON

2365 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6506
FAX: (202) 225-0546

WESTCHESTER

222 MAMARONECK AVENUE
SUITE 312
WHITE PLAINS, NY 10605
(914) 428-1707
FAX: (914) 328-1505

ROCKLAND

67 NORTH MAIN STREET
SUITE 101
NEW CITY, NY 10956
(845) 639-3485
FAX: (845) 634-4079

November 18, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

I am troubled by reports that you may be reneging on the Administration's announcement on September 11, 2019, that it would require flavored e-cigarettes to be cleared from the market while the Food and Drug Administration finalizes its compliance policy on these products.

Mr. President, that was more than two months ago. The FDA has issued no such policy. Meanwhile, the Centers for Disease Control and Prevention and FDA still have not conclusively identified the cause of an ongoing lung injury outbreak related to e-cigarettes and vaping products, which has sickened 2,172 people and killed 42. These unauthorized products, in flavors attractive to children, have remained on the market. Now, an alarming number of teens – at least one in four – uses them.

You and the rest of the Administration know that data show young users flock to flavored e-cigarette and vaping products. You also know that they increasingly prefer mint and menthol flavors, yet have allowed these products to remain on the market. Especially given the data, leaving *any* flavored products on shelves is irresponsible. The youth epidemic was avoidable and now threatens to addict millions of young Americans to tobacco products. It has created an uphill battle, I fear, for at least a generation to come, with unknown long-term costs to public health and to the American economy.

This public health crisis is happening on your watch. Will you really walk back on your word and allow these products to remain, unauthorized, on the shelves where they can threaten future American prosperity because today's young people become too sick to work and/or the healthcare system becomes overwhelmed by needs that are now still somewhat preventable?

While I can't say I've read *Art of the Deal*, I have learned that in it, you say you never get too attached to one particular approach since most deals "fall out, no matter how promising they seem at first."

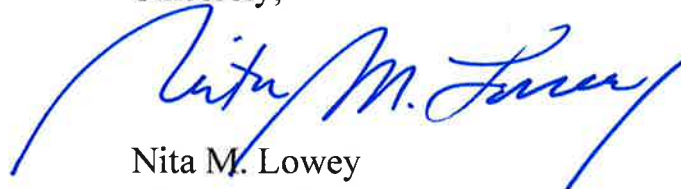
Mr. President, it appears that, in this instance, you have given up on your own plan to at least temporarily regulate these products because of your personal political interests.

Let me remind you of two critical considerations: You are charged with protecting the American public, and Congress has appropriated funds that enable federal agencies charged with protecting public health – the Department of Health and Human Services, CDC, and FDA – to do their jobs.

I have long advocated for stricter tobacco control policies, and stress that the FDA must also strengthen existing enforcement mechanisms among distributors to ensure that these products remain out of kids' hands. And unless or until a specific e-cigarette has been found to be safe and effective by the FDA in helping smokers quit, it bears a heavy burden of proof to ensure that any products on the market do not endanger Americans.

With the health of millions of Americans on the line -- especially teens and young adults -- don't let this one fall through; close the deal on your September announcement to pull flavored e-cigarette and vaping products from the market.

Sincerely,



Nita M. Lowey
Member of Congress

CC: Alex Azar, Secretary, U.S. Department of Health and Human Services
CC: Robert Redfield, Director, U.S. Centers for Disease Control and Prevention
CC: Brett Giroir, Acting Commissioner, U.S. Food and Drug Administration